HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 914 of 2005

Appellant		Ganga Bai, W/o Raju Yadav, aged about 38 years, R/o Ashwani Nagar, Towards Lakhe Nagar, Thana- Azad Chowk, Raipur (C.G.).
	Versus	
Respondents	1.	Shiv Kumar Sahu, S/o Sumel Sahu, aged about 42 years, R/o Santoshi Nagar, In front of Sharma Khadan, Thana Tikrapara, Raipur (C.G.) (Driver of the Vehicle)
	2.	Vinod Kumar Preetwani, S/o Shri Arjun Kumar Preetwani, R/o Arjun Enterprises, Samta Colony, Thana Saraswati Nagar, District Raipur (.G.) (Registered owner of the Vehicle).
	3.	The New India Insurance Company Limited, Through Divisional Manager, Division Office, Jail Road, Kutchary Chowk, Raipur (C.G.) (Insurer of the Vehicle).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Satyendra Sahu, Advocate, for the appellant.

ORAL ORDER

(13th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. In this appeal wherein more compensation is sought in a death case, the mother is the claimant and she was aged about 45 years on the date of accident. It was claimed that the deceased was a labourer. The Tribunal not accepting the salary certificate produced by the claimant took the income of the deceased notionally at Rs. 15000/- per annum and having deducted 1/3rd of the same towards personal expenses of the deceased has determined loss of dependency. The M.A.C.T. having regard to the

age of the deceased, we should state, has wrongly applied multiplier 16, instead of multiplier 15. What is deducted towards personal expenses of the deceased was also not proper. In normal course, it ought to have deducted at least 50% towards personal expenses of the deceased. Looking from any angle it cannot be said that what has been awarded by the M.A.C.T. is not just and reasonable compensation within the contemplation of the Motor Vehicles Act, 1988. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
SATISH K. AGNIHOTRI
Judge

Thakur